REMARKS

Applicants appreciate the Examiner's thorough consideration provided the present application. Claims 4-20 are now present in the application. Claims 12-20 have been added. Claims 4 and 13 are independent. Reconsideration of this application, as amended, is respectfully requested.

Interview With The Examiner

A telephone interview was conducted with the Examiner in charge of the above-identified application on January 30, 2006. Applicants greatly appreciate the courtesy shown by the Examiner during the interview.

In the interview with the Examiner, Applicants' representative presented argument with regard to the rejection under 35 U.S.C. § 103(a). Specifically, it was argued that although Yates discloses introducing the gas and draining the DI water at the same time, Yates nowhere discloses forcing the etching solution out by introducing the gas. However, the Examiner still maintained her rejection without providing any objective evidence or references supporting her position.

Claim Rejections Under 35 U.S.C. § 103

Claims 4-11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Applicants' Related art disclosure, in view of Yates, U.S. Patent No. 6,350,322. This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

The Examiner has correctly acknowledged that the Applicants' related art disclosure fails to teach "introducing a pressurized gas into the vessel from above the objects to force the etching solution out of the vessel from below the objects" as recited in claim 4. However, the Examiner alleged that Yates' teachings in FIG. 5 cure the deficiencies of the Applicants' related art disclosure. Applicants respectfully disagree. In particular, the Examiner in her Advisory Action alleged that Yates discloses that the draining of DI water occurs below the objects (FIG. 6) and that a wet etching solution would be drained in the same manner as the DI water. This conclusion is improper because it completely fails to provide any objective evidence supporting her allegation.

The mere fact that the prior art (related art) may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. In re Fritch, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be suggested or taught by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1970). All words in a claim must be considered in judging the patentability of that claim against the prior art. In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Moreover, a showing of a suggestion, teaching, or motivation to combine the prior art references is an "essential evidentiary component of an obviousness holding." C.R. Bard, Inc. v. M3 Sys. Inc., 157 F.3d 1340, 1352, 48 USPQ2d 1225, 1232(Fed. Cir. 1998). This showing must

be clear and particular, and broad conclusory statements about the teaching of multiple references, standing alone, are not "evidence." See In re Dembiczak, 175 F.3d 994 at 1000, 50 USPQ2d 1614 at 1617 (Fed. Cir. 1999).

To be proper, there must be actual evidence of a suggestion or motivation to modify a reference and the showing must be clear and particular. *In re Dembiczak*, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999) abrogated on other grounds, in *In re Gartside*, 203 F.3d 1305, 53 USPQ2d 1769 (Fed. Cir. 2000); see also, *Smith Indus. Med. Sys. v. Vital Signs, Inc.*, 183 F.3d 1347, 1356, 51 USPQ2d 1415, 1421 (Fed. Cir. 1999) ("That knowledge *may* have been within the province of the ordinary artisan does not in and of itself make it so, absent clear and convincing evidence of t knowledge.") (emphasis in original); *see In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Moreover, a factual inquiry whether to modify a reference must be based on objective evidence of record, not merely conclusory statements of the Examiner. See, In re Lee, 277 F.3d 1338, 1343, 61 USPQ2d 1430, 1433 (Fed. Cir. 2002).

Here, Yates merely focuses on the DI water rinsing process. In particular, Yates in FIGs. 5 and 6 and col. 8, lines 6-48 discloses that *after the chemical treatment*, the DI water flows from the bottom (FIG. 5) or the side (FIG. 6) of the rinser 40/42 and overflows out of the rinser 40/42 at the right exit. However, Yates nowhere teaches how the etching solution is drained out of the rinser 40/42 and therefore fails to teach "introducing a pressurized gas into the vessel from above the objects to force the etching solution out of the vessel from below the objects" as recited in claim 4. In fact, Yates simply discloses that the chemical treatment, such as wet or dry etching, may be carried out and *following the chemical treatment, a DI water rinse followed by drying is*

carried out (see col. 6, lines 26-30). Yates' invention merely focuses on the DI water rinsing process after the chemical treatment and does not discuss any wet etching treatment or draining process. The Examiner simply made a conclusory statement that a wet etching solution would be drained in the same manner as the DI water without providing any reference to support her obviousness position and simply made unsupported assumptions which are not taught in Yates. Such hindsight reconstruction is not permissible. If the Examiner persists in her position, Applicants respectfully request that the Examiner provide the reference(s) to teach this feature.

Accordingly, neither the Applicants' related art disclosure nor Yates individually or in combination teaches or suggests the above-noted features of independent claim 4. Therefore, Applicants respectfully submit that independent claim 4 and its dependent claims 5-11 (due to their dependency) clearly defines over the teachings of the Applicants' related art disclosure and Yates. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 103 are respectfully requested.

Additional Claims

Additional claims 12-20 have been added for the Examiner's consideration.

Applicants respectfully submit that the combination of steps as set forth in new independent claim 13 is not disclosed or suggested by the references relied on by the Examiner.

In addition, claims 12 and 14-20 depend, either directly or indirectly, from independent claims 4 and 13, and are therefore allowable based on their respective dependency from independent claims 4 and 13.

Favorable consideration and allowance of claims 12-20 are respectfully requested.

REQUEST FOR AN INTERVIEW

It is believed that all pending claims are in condition for allowance. However, **in the event that the Examiner still maintains her rejection or there are any matters remaining in this application, Applicants respectfully request for a personal interview before the Examiner mails out the next Office Action**.

CONCLUSION

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants respectfully petition for a one (1) month extension of time for filing a response in connection with the present application and the required fee of $120.00 is attached herewith.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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